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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,242	08/01/2001	Andrew Hodgkinson	BAI825390/01485	4038
24118 7590 05/11/2009 HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119				
EXAMINER				
STORK, KYLE R				
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2178				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/920,242

**Applicant(s)**

HODGKINSON, ANDREW

**Examiner**

KYLE R. STORK

**Art Unit**

2178

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5, 7, 8 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 7, 8 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This non-final office action is in response to the RCE and amendment filed 7 April 2009.
2. Claims 5, 7-8, and 16-20 are pending. Claims 16-18, and 20 are independent claims. Claims 19-20 are newly added.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 19, the applicant discloses a broadcast data receiver executing the method of claim 17 (line 1). This receiver includes a web browser configured to execute the method of claim 17 (line 1). The broadcast data receiver therefore constitutes a software system. Such software systems fall outside the scope of protection provided under 35 USC 101, as a software system is neither a process, machine, manufacture, nor composition of matter. Therefore, claim 19 is non-statutory.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell et al. (US 5845084, patented 1 December 1998, hereafter Cordell), and further in view of Snyder (US 6643641, filed 27 April 2000).

As per dependent claim 5, Cordell discloses the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose wherein when an event occurs in the reception of data that would conventionally cause an immediate reformat of the web page the facility notes the highest y-coordinate point or level in the displayed page that would be affected by the reformat and commences the time interval. However, Cordell 084 mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell 084 to Cordell, providing Cordell the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

As per independent claim 16, Cordell discloses an internet web browsing method, the method comprising the steps of:

Identifying an obtaining data from a web page in response to a user instruction  
(Figure 2, item 36)

Processing the received data to generate and display the web page connected thereto (Figure 4A, item 70)

Following selection of the webpage and the data is being received by a browser,

Displaying the reformatted data

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to displaying any of the data until the reformatting data for display of the selected web page by the browser is prevented a predetermined amount of data is received since the previous reformat of the web page, the predetermined amount being specified prior to the step of obtaining data for that web page.

However, Snyder discloses the reformatting data for display of the selected web page by the browser is prevented a predetermined amount of data is received since the previous reformat of the web page, the predetermined amount being specified prior to the step of obtaining data for that web page (column 10, lines 16-38: Here, the crawler obtains a web page, extracts information, and generates a reduced-size compressed image file prior to presenting the reduced-sized compressed image file to a user via a display. This generation of the reduced-size compressed image and corresponding extraction of information is pre-specified, and prevents the display of data until the generation is complete). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it

would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

As per independent claim 17, Cordell discloses an internet web browsing method, the method comprising the steps of:

Identifying an obtaining data from a web page in response to a user instruction (Figure 2, item 36)

Processing the received data by a browser to generate and display the web page on a display screen connected thereto (column 1, line 66- column 2, line 17; Figure 4A, item 70: Here, a browser waits until all data is retrieved to generate and display the web page)

Displaying at least part of the web page corresponding to a first portion of data (Figure 5A)

Preventing the browser from reformatting the display of the web page while the browser receives data (Figure 4A, items 72-76; column 1, line 66- column 2, line 17)

Reformatting of the display of the selected web page by the browser (Figure 4A, items 72-76)

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to either a predetermined amount of data has been received by the browser or after a predetermined time has elapsed since a previous reformat of the web page if the predetermined amount of data is not received

within the predetermined time, and the predetermined amount being specified prior to the step of obtaining data for that web page.

However, Snyder discloses storing data for display prior to either a predetermined amount of data has been received by the browser or after a predetermined time has elapsed since a previous reformat of the web page if the predetermined amount of data is not received within the predetermined time, and the predetermined amount being specified prior to the step of obtaining data for that web page (column 10, lines 16-38: Here, the crawler obtains a web page, extracts information, and generates a reduced-size compressed image file prior to presenting the reduced-sized compressed image file to a user via a display. This generation of the reduced-size compressed image and corresponding extraction of information is pre-specified, and prevents the display of data until the generation is complete). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 17. Claim 19 is similarly rejected.

7. Claims 7-8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell and Snyder, and further in view of Lowery et al. (US 5894554, patented 13 April 1999, hereafter Lowery).

As per dependent claim 7, Cordell disclose the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval. However, Lowery discloses reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval (column 8, lines 26-51). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Cordell, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

As per dependent claim 8, Cordell and Lowery disclose the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose wherein sufficient data is deemed to have been received when data which would allow changes to the web page to be achieved up to the previously noted highest y-coordinate point or level has been received. However, Cordell 084 mentions a similar process (column 13, lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell 084 to Cordell, providing Cordell the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

As per independent claim 18, Cordell discloses an internet browsing method, said method comprising the steps of:



identifying and receiving data for a web page in response to instructions from a user (Figure 2, item 36)

processing said received data by a browser to generate a web page (column 1, line 66- column 2, line 17; Figure 4A, item 70: Here, a browser waits until all data is retrieved to generate and display the web page)

displaying at least a part of the web page corresponding to a first portion of the data (Figure 4A, items 72-76)

displaying the reformatted web page (Figure 4A, items 72-76)

determining and noting a highest y-coordinate point or level in the displayed portion of the web page (Cordell Col 13 Lines 1-58).

Cordell fails to specifically disclose:

storing any further data received during a time interval of the time and prevention the browser from reformatting the web page while the browser receives said further data

reformatting the selected web page from the top of said highest y-coordinate point only after a predetermined amount of data has been received by the browser or after the predetermined time interval has elapsed since a previous reformat of that web page to reduce the number of reformats required in displaying the web page as data is received

However, Lowery discloses:

storing any further data received during a time interval of the time and prevention the browser from reformatting the web page while the browser receives said further data

reformatting the selected web page from the top of said highest y-coordinate point only after a predetermined amount of data has been received by the browser or after the predetermined time interval has elapsed since a previous reformat of that web page to reduce the number of reformats required in displaying the web page as data is received (column 8, lines 26-51).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Cordell, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to displaying any of the data until a predetermined event occurs. However, Snyder discloses storing data in a buffer, thereby preventing the data from being displayed until an event occurs, which triggers display of the data stored within the buffer (column 9, line 48- column 10, line 17).

Snyder further discloses the predetermined amount being specified prior to the step of obtaining data for that web page (column 10, lines 16-38: Here, the crawler obtains a web page, extracts information, and generates a reduced-size compressed image file prior to presenting the reduced-sized compressed image file to a user via a display. This generation of the reduced-size compressed image and corresponding extraction of information is pre-specified, and prevents the display of data until the generation is complete).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell, Snyder, and Lowery and further in view of Harrington (US 7120871, filed 15 September 1999).

As per independent claim 20, Cordell discloses an internet browsing method, said method comprising the steps of:

identifying and receiving data for a web page in response to instructions from a user (Figure 2, item 36)

processing said received data by a browser to generate a web page (column 1, line 66- column 2, line 17; Figure 4A, item 70: Here, a browser waits until all data is retrieved to generate and display the web page)

displaying at least a part of the web page corresponding to a first portion of the data (Figure 4A, items 72-76)

displaying the reformatted web page (Figure 4A, items 72-76)

determining and noting a highest y-coordinate point or level in the displayed portion of the web page (Cordell Col 13 Lines 1-58).

Cordell fails to specifically disclose:

storing any further data received during a time interval of the time and prevention the browser from reformatting the web page while the browser receives said further data

reformatting the selected web page from the top of said highest y-coordinate point only after a predetermined amount of data has been received by the browser or after the predetermined time interval has elapsed since a previous reformat of that web page to reduce the number of reformatats required in displaying the web page as data is received

However, Lowery discloses:

storing any further data received during a time interval of the time and prevention the browser from reformatting the web page while the browser receives said further data

reformatting the selected web page from the top of said highest y-coordinate point only after a predetermined amount of data has been received by the browser or after the predetermined time interval has elapsed since a previous reformat of that web page to reduce the number of reformatats required in displaying the web page as data is received (column 8, lines 26-51).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Cordell, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to displaying any of the data until a predetermined event occurs. However, Snyder discloses storing data in a buffer,

thereby preventing the data from being displayed until an event occurs, which triggers display of the data stored within the buffer (column 9, line 48- column 10, line 17).

Snyder further discloses the predetermined amount being specified prior to the step of obtaining data for that web page (column 10, lines 16-38: Here, the crawler obtains a web page, extracts information, and generates a reduced-size compressed image file prior to presenting the reduced-sized compressed image file to a user via a display. This generation of the reduced-size compressed image and corresponding extraction of information is pre-specified, and prevents the display of data until the generation is complete).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

Cordell fails to disclose overriding a time and allowing a page to be reformatted. Harrington discloses overriding a time and allowing a page to be reformatted (column 15, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Harrington and Cordell, since it would have allowed a user to a user to display data in the even of a time-out.

***Response to Arguments***

9. Applicant's arguments filed 7 April 2009 have been fully considered but they are not persuasive.

The applicant's arguments are based upon the belief that the prior art of record fails to disclose the predetermined amount being specified prior to the step of obtaining data (pages 6-8). Snyder discloses the predetermined amount being specified prior to the step of obtaining data for that web page (column 10, lines 16-38). The crawler obtains a web page, extracts information, and generates a reduced-size compressed image file prior to presenting the reduced-sized compressed image file to a user via a display. This generation of the reduced-size compressed image and corresponding extraction of information is pre-specified, and prevents the display of data until the generation is complete.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Stork/

Kyle R Stork  
Primary Examiner  
Art Unit 2178

krs